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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,849	10/31/2003	Michal Morciniec	B-5283 621316-4	9307

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,849	<b>Applicant(s)</b> MORCINIEC ET AL.	
	<b>Examiner</b> Matthew S. Gart	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3625

**DETAILED ACTION**

***Response to Amendment***

Claims 16 and 18 were previously cancelled and claims 8, 11, 13, 15, 23 and 24 were amended per the preliminary amendment filed 10/31/2004. Claims 1-15, 17 and 19-27 are pending in the instant application.

The Objection of the Abstract is vacated in view of the amendment to the specification filed on 9/11/2006.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-15, 17 and 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hahn-Carlson (Patent Application Publication 2004/0010463 A1).**

Referring to claim 1. Hahn-Carlson discloses an apparatus for use in making a purchase decision regarding purchase of a plurality of units of a good or service at a particular purchasing time from a plurality of potential suppliers (Hahn-Carlson: at least claim 14, "...wherein the pricing engine is adapted to identify prices for a particular transaction between the buyer and a plurality of sellers and to inform the buyer of the prices."), the apparatus comprising

- Means for determining or otherwise obtaining a total quantity of units of said good or service required to be purchased at said purchasing time as defined by one or more purchase orders relating to said purchasing time (Hahn-Carlson: at least paragraph 0031, "The prices may be set, for example, using predetermined prices agreed to by the buyer and seller involved in the transaction. In another implementation, pricing arrangements such as quantity discounts, group discounts and conditional price variances are further automatically implemented

in response to the transaction information and the approved contract details in the central transaction management arrangement.”),

- Means for accessing details of terms under which said good or service may be purchased from each of said potential suppliers at said purchasing time (Hahn-Carlson: at least paragraph 0031), and
- Means for providing an indication of one or more consequences of allocating portions of said total quantity to be purchased among said plurality of potential suppliers (Hahn-Carlson: at least paragraph 0050, “The pricing rules may also include, for example, prices associated with a particular quantity of products, with different per-product prices being assigned for particular quantities of products.”).

The Examiner notes, claim 1 recites an apparatus for use in making a purchase decision regarding purchase of a plurality of units of a good or service at a particular purchasing time from a plurality of potential suppliers. This constitutes a statement of intended use, and does not limit the scope of the claim.

Referring to claim 2. Hahn-Carlson further discloses an apparatus wherein said terms are defined in contracts, with at least one contract being established in respect of each of said potential suppliers (Hahn-Carlson: at least paragraph 0062).

Referring to claim 3. Hahn-Carlson further discloses an apparatus including a contract repository in which details of each contract established in respect of said

suppliers are stored (Hahn-Carlson: at least Fig. 2, "Collaborative Contracts Manager 210").

Referring to claim 4. Hahn-Carlson further discloses an apparatus wherein each contract is encoded prior to storage (Hahn-Carlson: at least paragraph 0057).

Referring to claim 5. Hahn-Carlson further discloses an apparatus wherein each contract is encoded as a record prior to storage, each record including one or more of a unique contract identifier, a start date and an end date of the contract, a good type, and a delivery location (Hahn-Carlson: at least claim 11, "...wherein the computer and communications node includes a pricing engine programmed to use business rules and transaction information to derive a pricing term for a transaction, the transaction information including at least one of: a contract identifier for the transaction, an item identifier for an item being sold, quantity and order date.").

Referring to claim 6. Hahn-Carlson further discloses an apparatus wherein said terms are included in said encoded contract record (Hahn-Carlson: at least paragraph 0057).

Referring to claim 7. Hahn-Carlson further discloses an apparatus wherein said terms include a volume discount expressed as a discount function, defining a discount as a function of a quantity of said good or service (Hahn-Carlson: at least paragraph

0031, "The prices may be set, for example, using predetermined prices agreed to by the buyer and seller involved in the transaction. In another implementation, pricing arrangements such as quantity discounts, group discounts and conditional price variances are further automatically implemented in response to the transaction information and the approved contract details in the central transaction management arrangement.").

Referring to claim 8. Hahn-Carlson further discloses an apparatus including means for storing details of said one or more purchase orders (Hahn-Carlson: at least Fig. 2).

Referring to claim 9. Hahn-Carlson further discloses an apparatus wherein the or each purchase order is encoded prior to storage thereof (Hahn-Carlson: at least paragraph 0057).

Referring to claim 10. Hahn-Carlson further discloses an apparatus wherein each purchase order is encoded in terms of one or more of an order due date, a good type, a quantity of the good specified in the purchase order, and a buyer location (Hahn-Carlson: at least claim 11, "...wherein the computer and communications node includes a pricing engine programmed to use business rules and transaction information to derive a pricing term for a transaction, the transaction information including at least one

of: a contract identifier for the transaction, an item identifier for an item being sold, quantity and order date.”).

Referring to claim 11. Hahn-Carlson further discloses an apparatus including a linking table for recording links between contracts and purchase orders (Hahn-Carlson: at least paragraph 0051).

Referring to claim 12. Hahn-Carlson further discloses an apparatus in which an aggregated quantity of goods or services purchased in respect of each contract is stored in said linking table (Hahn-Carlson: at least paragraph 0051).

Referring to claim 13. Hahn-Carlson further discloses an apparatus including a procurement decision interface which provides a visual indication of said consequences (Hahn-Carlson: at least paragraph 0041).

Referring to claim 14. Hahn-Carlson further discloses an apparatus wherein said procurement decision interface provides an indication of an average price per unit of a good required to be purchased, given that the total quantity of goods required at a specific purchasing time is allocated between a selected set of contracts in quantities prescribed by a user (Hahn-Carlson: at least paragraph 0041).



Referring to claim 15. Hahn-Carlson further discloses an apparatus including a data structure for storing a repository of demand schedules (Hahn-Carlson: at least paragraph 0063, "A variety of contract terms can be updated, such as contract eligibility, product availability, product price, price effective dates and tier eligibility.").

Referring to claim 17. The limitations of claim 17 closely parallel those of claim 1. Claim 17 is rejected under the same rationale as set forth above in claim 1.

The Examiner notes, claim 17 recites a method for use in making a purchase decision regarding purchase of a plurality of units of a good or service at a particular purchasing time from a plurality of potential suppliers. This constitutes a statement of intended use, and does not limit the scope of the claim.

Referring to claim 19. The limitations of claim 19 closely parallel those of claim 1 and 11-14. Claim 19 is rejected under the same rationale as set forth above in claim 1 and 11-14.

The Examiner notes, claim 19 recites an apparatus for use in making a purchase decision regarding purchase of a plurality of units of a good or service at a particular purchasing time from a plurality of potential suppliers. This constitutes a statement of intended use, and does not limit the scope of the claim.

Referring to claim 20. The limitations of claim 20 closely parallel those of claim 1. Claim 20 is rejected under the same rationale as set forth above in claim 1.

The Examiner notes, claim 20 recites an apparatus for use in making a purchase decision regarding purchase of a plurality of units of a good or service at a current purchasing time from a plurality of potential suppliers. This constitutes a statement of intended use, and does not limit the scope of the claim.

Referring to claims 21-26. The limitations of claims 21-26 closely parallel those of claims 1-15. Claims 21-26 are rejected under the same rationale as set forth above in claims 1-15.

Referring to claim 27. The limitations of claim 27 closely parallel those of claim 1. Claim 27 is rejected under the same rationale as set forth above in claim 1.

The Examiner notes, claim 27 recites a method for use in making a purchase decision regarding purchase of a plurality of units of a good or service from a plurality of potential suppliers at each of a plurality of purchasing times within a predetermined period. This constitutes a statement of intended use, and does not limit the scope of the claim.

***Response to Arguments***

Applicant's arguments filed 9/11/2006 have been fully considered but they are not persuasive.

The instant application claims priority under 35 U.S.C. 119 to GB0225422.5, which has a filing date of October 31, 2002.

Patent Application Publication US2004/0010463A1 has a filing date of May 12, 2003, and properly claims benefit under 35 U.S.C. 119(e) to Provisional Application No. 60/379,561, filed on May 10, 2002, previous to the critical date of the instant application. Attached is a copy of Provisional Application No. 60/379,561, which properly supports the subject matter relied upon in the US2004/0010463A1 reference.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'MSG', is written above the typed name.

MSG  
Primary Examiner  
September 29, 2006